UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/AC.2/1994/4
5 April 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Contemporary Forms
of Slavery
Nineteenth session
25 April-4 May 1994
Item 3 of the provisional agenda

STATUS, IMPLEMENTATION AND FOLLOW-UP OF THE CONVENTIONS ON SLAVERY AND SLAVERY-LIKE PRACTICES AND OTHER EXISTING INSTRUMENTS AND MACHINERY IN THIS FIELD

Report of the Secretary-General pursuant to Sub-Commission resolution 1993/5

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GE.94-12403 (E)

CANADA

[Original: English]
[15 March 1994]

In paragraph 23 of its resolution 1993/5, the Sub-Commission on Prevention of Discrimination and Protection of Minorities recommends that States take urgent measures to protect minors from exposure to or involvement in child pornography. The Government of Canada notes that on 1 August 1993 Bill C-128, an Act to amend the Criminal Code and the Customs Tariff (child pornography and corrupting morals) was proclaimed in force in Canada.

Bill C-128 amends the Criminal Code to include separate statutory prohibitions against child pornography in order to protect children from the harmful effects of child sexual abuse and sexual exploitation. The legislation creates new offences prohibiting the possession and importation of child pornography, and increases the maximum sentences for the production, sale and distribution of child pornography, and possession for such purposes, from 2 to 10 years. Bill C-128 includes a defence of artistic merit and of an educational, scientific or medical purpose, with a view to ensuring that the legislation does not extend to forms of expression which serve a legitimate purpose.

Paragraph 23 refers in particular to the need to protect children from sex tourism. In regard to sex tourism, s. 212(1)(a) of the Criminal Code specifically provides that:

> "Everyone who (a) procures, attempts to procure or solicits a person to have illicit sexual intercourse with another person, whether in or out of Canada, is guilty of an indictable offence and liable to imprisonment for a term not exceeding 10 years."

Thus, depending on the circumstances and available evidence, s. 212 of the Criminal Code would apply to persons in Canada arranging sex tours outside Canada that are available to Canadian residents. There is no evidence of sex tours to Canada being offered in other countries.

ETHIOPIA

[Original: English]
[29 December 1993]

The Transitional Government of Ethiopia stated that, as far as Sub-Commission resolution 1993/5, paragraphs 3 and 25, is concerned, there are different national legislations that deal with the conditions for the protection of actions against slavery. In practice, on the basis of the different legislations, almost all the provisions of the Slavery Conventions are being put into effect. Ethiopia has already adopted provisions similar to those contained in conventions concerning individual human rights (Transition Period Charter of Ethiopia No. 1, 1991). As regards paragraph 26 of the above resolution, the Transitional Government of Ethiopia reported that the national legislation prohibits forced labour practices.

FINLAND

[Original: English]
[14 February 1994]

The Government of Finland considers it important that the dangerously increasing problems of contemporary forms of slavery referred to in the inquiry of the Secretary-General are given the urgent attention they merit both at national and international, as well regional and global levels. The basic concept of human dignity, present in all human rights treaties, cannot be allowed to be threatened by powerful economic interests involved in different forms of trafficking with sexuality.

Traffic in persons, prostitution and pornography are closely linked to economic questions. The economic situation of every person and the families of children should be such that it will not force any woman or man to become involved in any of these activities.

It is especially important to refer to the obligations contained in such more recent human rights instruments as the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. Questions related to the sexual exploitation of women and children should be focused upon in the preparation and in the examination of the national reports.

Finland belongs to those countries which have ratified the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Thus, traffic in persons, both adult and children, is in Finland a criminal offence. Also, commercial adoptions are prohibited by law in Finland.

Problems related to various forms of sexual exploitation of others, especially prostitution, have for a long time been a subject which has not been dealt with by the administration or the general debate. Only recently, since Finland has increasingly been the target of international marketing efforts for increased "consumption" of pornography and prostitution, have reactions enhanced the attention devoted to this question in the administration. This may also have been facilitated by the fact that in the context of the Finnish report to the Committee on the Elimination of Discrimination against Women, a special study was made and the text of the 1949 Convention was published to be more easily available to the authorities concerned.

Until recently, child prostitution and child pornography were not considered to be major problems in Finland. The situation is deteriorating and the awareness of the problems is increasing. Attention has also been paid to this problem in the context of Nordic cooperation by the Nordic Council. In the autumn of 1993, a seminar on child prostitution was arranged jointly by organizations and authorities.

During the past few years, various forms of "commercial sex" have increased in Finland. The rapid deterioration of the economic situation has caused mass unemployment. The economic independence of women, which has been

an important preventive factor against prostitution and other forms of exploitation of their sexuality, is threatened. Job seekers no longer have the same possibilities as before to choose their employment. They may have to accept work which is not in accordance with their education, attitudes or values. A seemingly voluntary choice of an employment in a "sex business" may in fact be based on economic necessity. Several phenomena in the "sex business" violate human rights, especially women's rights and the goals of equality. Most of the employees in the "sex business" are women. Generally they do the practical work, whereas the men in the business are mainly organizers, directors and those who profit from it.

Due to the public reaction, the Council for Equality appointed in September an ad hoc committee to study phenomena related to commercial sex. Its report was published in December 1993. On the recommendation of the ad hoc committee, a working group consisting of representatives of different ministries responsible for legislative and administrative actions was appointed in February 1994 to assess the present situation and make proposals on amending and developing legislation.

The Ministry for Social Affairs and Health has stated that social welfare and health care services and social and economic support should be available both before the above-mentioned problems occur and in connection with help and rehabilitation for persons in the above-mentioned situations. However, much remains to be done in the field of practical work to develop both prevention and rehabilitation services. A seminar organized in February 1994 by the Council for Equality focused on these questions with the help of international experts.

Information is needed both in order to offer help and support and also for prevention of the problems. In the administrative sector of the Ministry of Social Affairs and Health, health and temperance education are used in order to support positive sexual behaviour and to prevent abuse of drugs. Prostitution may often be linked to the financing of drug abuse.

In Finland organizations often carry on pioneering work in solving various problems: for example, the recent plans to start an emergency service for victims of crime, various crisis groups for women and support groups for prostitutes. In child welfare, organizations also have an important position internationally.

LIBYAN ARAB JAMAHIRIYA

[Original: Arabic]
[29 November 1993]

With regard to the aspect concerning views and suggestions that might help the Working Group to prepare guidelines to combat the numerous forms of slavery and to specify the manner in which those guidelines should be applied, the slavery-related offences referred to in the Libyan Penal Code include the offence of enslavement. Article 405 of the Penal Code stipulates that "Anyone who enslaves a person or places him in a state of semi-slavery shall be punished by a term of 5 to 15 years' imprisonment".

Article 426 of the Penal Code prohibits dealing or trafficking in slaves. It stiuplates that anyone who in any way deals or trafficks in slaves or disposes of a person in a state of slavery or semi-slavery is liable to a penalty of up to 10 years' imprisonment.

A penalty of 3 to 12 years' imprisonment is prescribed for anyone who disposes of a person held in a state of slavery or semi-slavery or who steals, possesses, acquires or keeps such a person in that state. All the above-mentioned acts are designated as criminal offences in the Libyan Penal Code, which also prohibits abduction, the use of force, coercion or threats or the misuse of authority against any person, as well as the illegal searching or arrest of individuals, the unjustified restriction of personal liberty, the torture of prisoners and violation of the invulnerability of homes (arts. 425-436 of the Penal Code).

Whereas Libyan legislation prohibits interference with human bodies in general, without confining this prohibition to the removal of organs from children except in connection with the dissection of corpses, if necessary, subject to conditions, rules and regulations that must be observed in such cases in accordance with the laws in force,

Whereas Libyan law designates the slave trade as a punishable offence and regards trafficking in, and the disposal of, persons in a state of slavery or semi-slavery as a crime against personal liberty,

The Legal Department therefore believes that the provisions of the law in the Jamahiriya prohibit the removal of human organs and the dissection of human bodies except on the basis of a testamentary bequest by the deceased person or the consent of his relatives for scientific or teaching purposes or in order to ascertain the causes of death or make use of the organs of dead persons which are suitable for transplantation on the basis of a testamentary bequest by the deceased or the consent of his relatives. Libyan legislation contains numerous provisions that designate all forms of the slave trade as criminal offences.